



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

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Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 28, 1988

CERTIFIED RETURN RECEIPT REQUESTED
(P #879 596 382)

Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Ten Day Notice X88-02-250-1, Genwal Coal Company, Crandall
Canyon Mine, Mohrland Loadout, ACT/015/032, Folder #5, Emery
County, Utah

Ten Day Notice (TDN) X88-02-250-1TV1 was issued for "failure to obtain a valid permit prior to conducting underground coal mining activities, loadout operation at Mohrland Loadout north of Hiawatha access road to Mohrland NPDES 001 site."

Your letter of November 16, 1988 regarding the above-referenced Ten-Day-Notice requested additional information regarding the methodology by which the Division permitted the "Mohrland Loadout". The telephone conversation of November 28, 1988 between yourself, Ken May and Lowell Braxton substantiated that the Division June 28, 1988 letter to the operator constitutes the written record generated by the Division for a permit amendment allowing coal preparation activities at the Mohrland site. This telephone conversation discussed the following:

- a. The Mohrland site was used as a coal loadout by various parties prior to the temporary use amendment to Genwal Coal Company that allowed short-duration coal preparation activity. (Utah regulations do not require permitting of loadout; per se.)

TDN X88-02-250-1 ACT 1015/032 DL
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered
☐ Show to whom, date, and address of delivery..

2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:** Mr. Robert Hagen
Office of Surface Mining
Suite 310 Silver Ave.
Albuquerque NM 87102

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 879 596 382

(Always obtain signature of addressee or agent)
I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent
Wilson Henry

5. **DATE OF DELIVERY** 12/6/88 **POSTMARK**

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:** 7a. **EMPLOYEE'S INITIALS**

P 879 596 382

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Mr. Robert Hagen
Office of Surface Mining
Suite 310 Silver Ave.
625 Silver Ave. S.W.
Albuquerque NM 87102

P.O. State and ZIP Code

Postage \$

Certified Fee

Special Delivery Fee

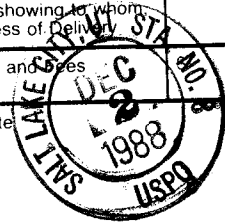
Restricted Delivery Fee

Return Receipt showing to whom and Date Delivered

Return Receipt showing to whom Date, and Address of Delivery

TOTAL Postage and Fees

Postmark or Date



TDN X88-02-250-1 ACT 1015/032 DL
PS Form 3800, June 1985

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



STATE OF UTAH
(Name of Sender)
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER SUITE 350
(Street or P.O. Box)
SALT LAKE CITY, UTAH 84180-1203

(City, State, and ZIP Code)

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S.G.P.O. 1987-197-722

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Mr. Robert Hagen

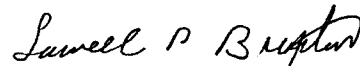
TDN X88-2-250-1 TV1

ACT/015/032

November 28, 1988

- b. The Division approved a six-month temporary amendment to the Crandall Canyon permit to allow coal preparation at this site (preparation activities in this case to be crushing, screening, or grinding, but not impurity separation).
- c. The Division required a bond to be posted during the period of temporary use which will end December 31, 1988. The bond is to be refunded upon reclamation to the pre-coal-preparation activity land configuration.
- d. At the time of the issuance of the TDN, activity at the site had not included initiation of preparation activities, and on that basis, the Ten-Day-Notice was improperly (albeit prematurely) issued.
- e. Division representatives agreed with OSM in this conversation that a clear mechanism for issuance of a temporary permit does not exist in Utah's regulations, but the Division's position is that acquisition of a bond and a short term operation with subsequent reclamation to pre-amendment field conditions has not compromised the environmental condition of the site.
- f. OSM will reconsider the situation with respect to this Ten-Day Notice upon receipt of this letter.

Sincerely,



Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

djh

cc: D. Nielson

K. May

S. Linner

H. Sandbeck, PFO

AT18/12-13